

# Exhibit “C”

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**To:** Kuepper, Theodore A. ([tke@isle.net](mailto:tke@isle.net))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85617828 - FIRST RESPONSE  
WATER PURIFIER - N/A  
**Sent:** 8/29/2012 1:57:32 PM  
**Sent As:** ECOM112@USPTO.GOV  
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**UNITED STATES PATENT AND TRADEMARK OFFICE (USPTO)  
OFFICE ACTION (OFFICIAL LETTER) ABOUT APPLICANT'S TRADEMARK APPLICATION**

**APPLICATION SERIAL NO.** 85617828

**MARK:** FIRST RESPONSE WATER PURIFIER

**\*85617828\***

**CORRESPONDENT ADDRESS:**

KUEPPER, THEODORE A.  
3600 HARBOR BLVD # 514  
OXNARD, CA 93035-4136

**CLICK HERE TO RESPOND**  
<http://www.uspto.gov/trademarks/te>

**APPLICANT:** Kuepper, Theodore A.

**CORRESPONDENT'S REFERENCE/DOCKET NO :**

N/A

**CORRESPONDENT E-MAIL ADDRESS:**

[tke@isle.net](mailto:tke@isle.net)

**OFFICE ACTION**

**STRICT DEADLINE TO RESPOND TO THIS LETTER**

TO AVOID ABANDONMENT OF APPLICANT'S TRADEMARK APPLICATION, THE USPTO MUST RECEIVE APPLICANT'S COMPLETE RESPONSE TO THIS LETTER **WITHIN 6 MONTHS** OF THE ISSUE/MAILING DATE BELOW.

**ISSUE/MAILING DATE: 8/29/2012**

The assigned trademark examining attorney has reviewed the referenced application and

has determined the following:

### **Search Results**

The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

### **Section 2(e)(1) - Descriptive Refusal**

Registration is refused because the applied-for mark merely describes the intended purpose and the type of goods being offered by the applicant. Trademark Act Section 2(e)(1), 15 U.S.C. §1052(e)(1); *see* TMEP §§1209.01(b), 1209.03 *et seq.*

A mark is merely descriptive if it describes an ingredient, quality, characteristic, function, feature, purpose or use of the specified goods. TMEP §1209.01(b); *see In re Steelbuilding.com*, 415 F.3d 1293, 1297, 75 USPQ2d 1420, 1421 (Fed. Cir. 2005); *In re Gyulay*, 820 F.2d 1216, 1217-18, 3 USPQ2d 1009, 1010 (Fed. Cir. 1987). Moreover, a mark that identifies a group of users to whom an applicant directs its goods and/or services is also merely descriptive. TMEP §1209.03(i); *see In re Planalytics, Inc.*, 70 USPQ2d 1453, 1454 (TTAB 2004).

In the present case, the applicant seeks registration of the mark, FIRST RESPONDER WATER PURIFIER

The wording “FIRST RESPONSE” means the first to arrive at an emergency situation. Please see the attached Internet evidence labeled ***Exhibit 1***. Furthermore, the applicant’s goods are “Waste water purification units; Water purification and filtration apparatus; Water purification machines; Water purification units; Water purification, sedimentation and filtration apparatus for clarification, thickening and filtration of water, waste water and industrial water.”

Here, the applicant’s proposed mark “FIRST RESPONSE WATER PURIFIER” merely describes the intended purpose and the type of goods being offered by the applicant, i.e. the applicant is providing water purification units to be used by personnel immediately after an emergency situation. Therefore, the mark describes the applicant’s goods and is refused registration under Trademark Act Section 2(e)(1).

Although the trademark examining attorney has refused registration, applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

### **Supplemental Register Suggested**

The applied-for mark has been refused registration on the Principal Register. Applicant may respond to the refusal by submitting evidence and arguments in support of registration and/or by amending the application to seek registration on the Supplemental Register. *See* 15 U.S.C. §1091; 37 C.F.R. §§2.47, 2.75(a); TMEP §§801.02(b), 816. Amending to the Supplemental Register does not preclude applicant from submitting evidence and arguments against the refusal(s). TMEP §816.04.

Although registration on the Supplemental Register does not afford all the benefits of registration on the Principal Register, it does provide the following advantages:

- The registrant may use the registration symbol ®;
- The registration is protected against registration of a confusingly similar mark under Trademark Act Section 2(d);
- The registrant may bring suit for infringement in federal court; and
- The registration may serve as the basis for a filing in a foreign country under the Paris Convention and other international agreements.

*See* 15 U.S.C. §§1052(d), 1091, 1094; TMEP §815.

### **Disclaimer of Generic Matter**

Applicant is advised that, if the application is amended to seek registration on the Principal Register under Trademark Act Section 2(f) or on the Supplemental Register, applicant must disclaim “WATER PURIFIER” because such wording appears to be generic in the context of applicant’s goods. *See* 15 U.S.C. §1056(a); *In re Wella Corp.*, 565 F.2d 143, 196 USPQ 7 (C.C.P.A. 1977); *In re Creative Goldsmiths of Wash., Inc.*, 229 USPQ 766 (TTAB 1986); TMEP §1213.03(b).

The following is the standardized format for a disclaimer:

**No claim is made to the exclusive right to use “WATER PURIFIER” apart from the mark as shown.**

TMEP §1213.08(a)(i).

### **Pro Se Applicant May Wish to Seek Trademark Counsel**

Because of the legal technicalities involved in this application, applicant may wish to hire an attorney specializing in trademark or intellectual property law. For attorney referral information, applicant may consult the American Bar Association’s Consumers’ Guide to Legal Help at <http://www.abanet.org/legalservices/findlegalhelp/home.cfm> or a local telephone directory. The USPTO cannot aid in the selection of an attorney. 37 C.F.R. §2.11.

### **Response Guidelines**

For this application to proceed toward registration, applicant must explicitly address each refusal and/or requirement raised in this Office action. If the action includes a refusal, applicant may provide arguments and/or evidence as to why the refusal should be withdrawn and the mark should register. Applicant may also have other options for responding to a refusal and should consider such options carefully. To respond to requirements and certain refusal response options, applicant should set forth in writing the required changes or statements.

If applicant does not respond to this Office action within six months of the issue/mailing date, or responds by expressly abandoning the application, the application process will end, the trademark will fail to register, and the application fee will not be refunded. *See* 15 U.S.C. §1062(b); 37 C.F.R. §§2.65(a), 2.68(a), 2.209(a); TMEP §§405.04, 718.01, 718.02. Where the application has been abandoned for failure to respond to an Office action, applicant’s only option would be to file a timely petition to revive the application, which, if granted, would allow the application to return to live status. *See* 37 C.F.R. §2.66; TMEP §1714. There is a \$100 fee for such petitions. *See* 37 C.F.R. §§2.6, 2.66(b)(1).

**TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE:** Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. *See* 37 C.F.R. §2.23(a)(1). For a complete list of these documents, see TMEP §§819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. In appropriate situations and where all issues can be resolved by amendment, responding by telephone to authorize an examiner's amendment will not incur this additional fee.

/Jay K. Flowers/  
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**All informal e-mail communications relevant to this application will be placed in the official application record.**

**WHO MUST SIGN THE RESPONSE:** It must be personally signed by an individual applicant or someone with legal authority to bind an applicant (i.e., a corporate officer, a general partner, all joint applicants). If an applicant is represented by an attorney, the attorney must sign the response.

**PERIODICALLY CHECK THE STATUS OF THE APPLICATION:** To ensure that applicant does not miss crucial deadlines or official notices, check the status of the application every three to four months using Trademark Applications and Registrations Retrieval (TARR) at <http://tarr.uspto.gov/>. Please keep a copy of the complete TARR screen. If TARR shows no change for more than six months, call 1-800-786-9199. For more information on checking status, see <http://www.uspto.gov/trademarks/process/status/>.

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A portion of the accident scene for Ansbach, Germany incident response exercise for U.S. and German emergency responders, October 2007.

Certified First Responders in Canada

[edit]

Many options are available in order to become a certified First Responder in Canada. Courses are offered by many sources including the Canadian Red Cross, and St. John Ambulance, and the Department of National Defence. Certified First Responder courses in Canada are separated into either "First Responder" or "Emergency Medical Responder" level courses. "First Responder" level courses are usually 40 hours in length and is considered the minimum level of training for crews providing medical standby at events, as well as for employment with some private stable transport companies that provide inter-hospital transfer for patients in need of a bed, but are stable and do not require advanced medical

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basic transport companies that provide minor hospital transfers for patients in need of a bed, but are basic and do not require advanced medical care. "Emergency Medical Responder" level courses meet the Paramedic Association of Canada's National Occupational Competency Profile, and those who receive certification at this level can work for Emergency Medical Services in some provinces.<sup>[1]</sup>

### Examples

The Canadian Ski Patrol System, St. John Ambulance Patient Care Divisions, Volunteer Fire Departments, Campus Response Teams, and the Canadian Coast Guard all provide Certified First Responder level emergency medical care, in some cases as a support to existing services, and in others as the primary emergency response organization.

[edit]



First Responders from St. John Ambulance and fire departments assist paramedics during an exercise outside Thunder Bay, Ontario, Canada

### Limitations on Certified First Responders

[edit]

While all Certified First Responders in Canada are covered under Good Samaritan laws<sup>[2]</sup> in jurisdictions where they are enacted, in some cases they have a Duty To Act<sup>[3]</sup>. Certified First Responders who are providing medical coverage to events (such as Red Cross and St. John Ambulance's Patient Care Divisions at community events), as well as those who are employed by Volunteer Fire Departments, Campus Response Teams, and others who are required to perform Emergency Medical Response as part of their duties all have a Duty to Act.<sup>[3]</sup> While Certified First Responders in general are not required to render aid to injured/ill persons, those who work in the aforementioned areas can be accused of and prosecuted for negligence if they fail to respond when notified of a medical emergency, if their care does not meet the standard to which they were trained, or their care exceeds their scope of practice and causes harm to the patient.<sup>[4]</sup> As with all medically trained and certified persons, Certified First Responders are immune to successful prosecution if assistance was given in good faith up to, and not beyond, the limits of certification and training.

### First responders in France

[edit]

*Main article: Certified First Responder in France*

In France, the pre-hospital care is either performed by first responders from the fire department (*sapeurs-pompiers*, most emergency situations) or from a private ambulance company (relative emergency at home), or by a medical team that includes a physician, a nurse and an ambulance technician (called "SMUR"). The intermediate scale, the firefighter nurse (*infirmier sapeur-pompier*, ISP), is only a recent evolution and is performed by nurses specially trained acting with emergency protocols; these nurses are the French equivalent of paramedics. The first responders are thus the most frequent answer to emergency calls. In addition, in France there exists a network of first responder associations, as French red cross (croix rouge française), civil protection (protection civile) or others. These CFR volunteers are allowed to supervise massive outside meetings, student fests, etcetera. These volunteers have followed the same special rescuer training as firefighters (PSE 1 & PSE 2, at all 70 hours of training).

### First responders in the United Kingdom

[edit]

In the United Kingdom, most statutory NHS ambulance services deploy paid first responders who drive dedicated "Rapid Response Vehicles" (RRVs). These are typically estate cars, MPVs or 4x4s, are liveried with high-visibility ambulance markings, and fitted with blue flashing lights and sirens. These vehicles are generally single-crewed, by a Paramedic. This differs from most ambulances in the UK, which usually have two crew members.

### Community First Responder Schemes

[edit]

*Main article: Community First Responder*

A Community First Responder Scheme is made up of groups of volunteers who, within the community in which they live or work, have been trained to attend emergency calls received by the NHS (National Health Service) Ambulance Service, providing potentially life-saving treatment and first aid until an emergency ambulance arrives.



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arrives.

The Welsh Ambulance Services NHS Trust, when looking at the locations for Responder Groups, take the following into consideration:

- Towns or villages where it is challenging for an emergency ambulance to arrive at scene within 8 minutes – this is usually in the more rural areas of the county.
- The total number of calls received within these locations must be significant enough for training to take place, ensuring motivation of the group members and that their contribution would have a valued, significant effect on patients.
- Responders are members of the community who are trained to use Automated external defibrillator, Oxygen and other lifesaving equipment to assist ambulance crews, and maintain patient stability whilst professional crews are in attendance. Responders have no special dispensation to break the rules of the road whilst attending calls. Under the Road Traffic Act and various other UK traffic law, correct and permitted use of Blue Lights on a vehicle does not allow the driver to cross solid white lines to overtake, but does allow the driver to treat a red light as a 'Give Way' sign. Out of all the Ambulance trusts in the UK, a handful have CFR schemes with dedicated cars, and these are not given blue lights as CFR's do not undergo blue light training.



Scottish Ambulance Service  
"First Responder" vehicle

## First responders in the United States

[edit]

### History

[edit]

The U.S. Department of Transportation (D.O.T.) recognized a gap between the typical eight hours training required for providing advanced first aid (as taught by the Red Cross) and the 180 hours typical of an EMT-Basic program. Also, some rural communities could not afford the comprehensive training and highly experienced instructors required for a full EMT-Basic course. The First Responder training program began in 1979 as an outgrowth of the "Crash Injury Management" course.

In 1995 the D.O.T. issued a manual for an intermediate level of training called "First Responder." This training can be completed in forty to sixty hours. Importantly, this training can be conducted by an EMT-Basic with some field experience—which is a resource available "in-house" for many volunteer fire departments who do not have the resources for full EMT training. The first responder training is intended to fill the gap between First Aid and EMT-Basic.

The American Red Cross conducts a course titled "Emergency Medical Response" that fits this definition.

In the US the term "Emergency Medical Responder" will largely replace the term "Certified First Responder" beginning 2012.<sup>[5]</sup>

### Scope of practice

[edit]

First Responders in the US can either provide emergency care first on the scene (police/fire department/park rangers) or support Emergency Medical Technicians and Paramedics, provide basic first aid, CPR, Automated external defibrillator use, spinal immobilization, oxygen, and assist in emergency childbirth (in some areas they are trained in the use of suction and airway adjuncts). CFRs can also assist with providing glucose, aspirin, and epi-pens. They are also trained in packaging, moving and transporting patients.<sup>[6]</sup>



Emergency responders are tested during a training exercise.

### First responder skills and limitations

[edit]

First responder training differs per state or country. Lifesaving skills in the first responder course include recognizing unsafe scenarios and hazardous materials emergencies, protection from blood borne pathogens, controlling bleeding, applying splints, conducting a primary life-saving patient assessment, in-line spinal stabilization and transport, CPR, and calling for more advanced medical help. Some areas give more training in other life-saving techniques and equipment (see below).

Emergency medical oxygen is a common supplementary skill that may be added in accordance with the 1995 DOT First Responder: National Standard Curriculum guidelines<sup>[7]</sup> or under the authority of EMS agencies or training providers such as the American Red Cross. Other

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Standard Certified guidelines or under the authority of EMS agencies or training providers such as the American Red Cross. Other  
supplementary skills at this level can include the taking of vital signs including manual blood pressures, advanced splinting and the use of the  
Automated External Defibrillator (AED), suction, and airway adjuncts.<sup>[9]</sup>

First Responders can serve as secondary providers with some volunteer EMS services. A certified first responder can be seen either as an advanced first aid provider, or as a limited provider of emergency medical care when more advanced providers are not yet on scene or available.

## Rescue

[edit]

The National Fire Protection Association standards 1006<sup>[9]</sup> and 1670<sup>[10]</sup> state that all "rescuers" must have medical training to perform any technical rescue operation, including cutting the vehicle itself during an extrication. Therefore, in most all rescue environments, whether it is an EMS Department or Fire Department that runs the rescue, the actual rescuers who cut the vehicle and run the extrication scene or perform any rescue such as rope rescues, etc., are Medical First Responders, Emergency Medical Technicians, or Paramedics, as most every rescue has a patient involved.

## Traditional first responders

[edit]

The first responder training is considered a bare minimum for emergency service workers who may be sent out in response to a call for help and is almost always required for professional firefighters who require valid CFR-D (Certified First Responder-Defibrillation) certification for all firefighters. The first responder level of emergency medical training is also often required for police officers. Many Responders have location specific training such as water rescue or mountain rescue and must take advanced courses to be certified (i.e. ski patrol/lifeguard).

## Non-traditional first responders

[edit]

Many people who do not fall into the earlier mentioned categories seek out or receive Certified First Responder training through their employment because they are likely to be first on the scene of a medical emergency, or because they work far from medical help.

Some of these non-traditional first responders include:

- Park rangers
- Taxi Drivers
- Utility workers
- Teachers, childcare workers, and school bus drivers
- Designated industrial workers in a large facility (industrial plant) or at a remote site (fish-packing plant, commercial vessel, oil rig)
- Security Officers
- Bodyguards
- General aviation pilots and commercial flight attendants
- Sports coaches and Athletic trainers
- Hunting and fishing guides
- Search and rescue personnel
- Campus Responders and campus police
- Lifeguards/Ski Patrollers
- Camp counsellors
- Boy Scouts and Girl Scouts and leaders
- Community Emergency Response Team (CERT) members (varies by jurisdiction)
- Airport ground personnel
- Stagehands

## See also

[edit]

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- Combat Lifesaver
- Extrication
- National First Responders Organization (USA)
- Outdoor Emergency Care
- Rescue squad
- Triage

## External links

[\[edit\]](#)

- National Registry Of Emergency Medical Technicians. <sup>1</sup> This US organization also certifies Certified First Responders, who will soon be known as Emergency Medical Responders.
- UK First Responder Scheme <sup>2</sup>

## References

[\[edit\]](#)

1. <sup>1</sup> Association of Canada's National Occupational Competency Profile <sup>3</sup>
2. <sup>2</sup> "1". *Emergency Care Manual*. The Canadian Red Cross Society (1 ed.). Guelph, ON: The StayWell Health Company. 2008. pp. 9. ISBN 978-1-58480-404-8.
3. <sup>3</sup> "1". *Emergency Care Manual*. The Canadian Red Cross Society (1 ed.). 2 Quebec St, Suite 107, Guelph, ON: The StayWell Health Company. 2008. pp. 7. ISBN 978-1-58480-404-8.
4. <sup>4</sup> "1". *Emergency Care Manual*. The Canadian Red Cross Society (1 ed.). Guelph, ON: The StayWell Health Company. 2008. pp. 9. ISBN 978-1-58480-404-8.
5. <sup>5</sup> "Your Transition Plan: From First Responder to Emergency Medical Responder (EMR)" <sup>6</sup>. *The Registry*. National Registry of Emergency Medical Technicians. Columbus, Ohio. Fall 2011.
6. <sup>6</sup> "Certified First Responder (CFR) Original Course Curriculum" <sup>7</sup>. Dept of Health. New York State. Retrieved 2011-10-04.
7. <sup>7</sup> "First Responder: National Standard Curriculum" <sup>8</sup>. United States Department of Transportation: National Highway Transportation Safety Administration. 1995. pp. xiv. Retrieved 2009-11-19.
8. <sup>8</sup> "Emergency Response Training" <sup>9</sup>. American Red Cross Silicon Valley Chapter. 2009. Archived from the original <sup>10</sup> on 2011-01-06. Retrieved 2011-10-04.
9. <sup>9</sup> *NFPA 1006 Standards for Technical Rescuer Professional Qualifications* <sup>11</sup>. National Fire Protection Association (2008 ed.). Quincy, MA: National Fire Protection Association. 2007. pp. 1006-13 through 1006-15. Retrieved 2009-11-18.
10. <sup>10</sup> *NFPA 1670 Standard on Operations and Training for Technical Search and Rescue Incidents* <sup>12</sup>. National Fire Protection Association (2009 ed.). National Fire Protection Association. 2008. pp. 1670-12. Retrieved 2009-11-18.

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**To:** Kuepper, Theodore A. ([tke@isle.net](mailto:tke@isle.net))  
**Subject:** U.S. TRADEMARK APPLICATION NO. 85617828 - FIRST RESPONSE  
WATER PURIFIER - N/A  
**Sent:** 8/29/2012 1:57:33 PM  
**Sent As:** ECOM112@USPTO.GOV  
**Attachments:**

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### **IMPORTANT NOTICE REGARDING YOUR TRADEMARK APPLICATION**

Your trademark application (Serial No. 85617828) has been reviewed. The examining attorney assigned by the United States Patent and Trademark Office ("USPTO") has written a letter (an "Office Action") on 8/29/2012 to which you must respond. Please follow these steps:

1. Read the Office letter by clicking on this link OR go to <http://tmportal.uspto.gov/external/portal/tow> and enter your serial number to access the Office letter.

**PLEASE NOTE:** The Office letter may not be immediately available but will be viewable within 24 hours of this e-mail notification.

2. Respond within 6 months, calculated from 8/29/2012 (*or sooner if specified in the Office letter*), using the Trademark Electronic Application System Response to Office Action form. If you have difficulty using the USPTO website, contact [TDR@uspto.gov](mailto:TDR@uspto.gov).

3. Contact the examining attorney who reviewed your application with any questions about the content of the office letter:

/Jay K. Flowers/  
United States Patent and Trademark Office  
Trademark Examining Attorney  
Law Office 112  
571.272.8202  
[jay.flowers@uspto.gov](mailto:jay.flowers@uspto.gov)

### **WARNING**

Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.

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